

**Jaime Dole**

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**From:** Aregood, Ellen <earegood@madison-schools.com>  
**Sent:** Thursday, January 10, 2019 9:18 AM  
**To:** Williamson, Shay  
**Subject:** Summons - Emily Thomas  
**Attachments:** DOC011019-01102019091048.pdf

This came in late yesterday afternoon.

Ellen Aregood  
Assistant to the Superintendent, Board Secretary Madison County Schools  
476 Highland Colony Pkwy  
Ridgeland, MS 39157  
601.499.0707

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IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

**FILED**  
MADISON COUNTY

DEC 10 2018

EMILY T. THOMAS

PLAINTIFF

ANITA WRAY, CIRCUIT CLERK

VS.

BY

D.C.

CIVIL ACTION NO.

CS 2018-0263 JC

MADISON COUNTY SCHOOL DISTRICT

DEFENDANT

COMPLAINT

JURY TRIAL DEMANDED

COMES NOW Plaintiff Emily T. Thomas and files this Complaint against the Defendant Madison County School District alleging the following:

PARTIES

1. The Plaintiff, Emily T. Thomas, is an adult female resident citizen of Madison County, Mississippi.

2. The Defendant, Madison County School District, is a county public school organized and existing pursuant to the laws of the State of Mississippi. The Madison County School District can be served with process by service upon its superintendent, Kimber Halliburton, whose address is 476 Highland Colony Parkway, Ridgeland, MS 39157.

JURISDICTION AND VENUE

3. This court has concurrent civil rights jurisdiction under 28 U.S.C. § 1343 for a cause of action arising under Title VII of the Civil Rights Act of 1964.

4. This Court has concurrent federal question jurisdiction pursuant to 28 U.S.C.

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§ 1331.

5. This Court has personal and subject matter jurisdiction over the Defendant and venue is proper in this Court.

6. Plaintiff timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission (hereinafter "EEOC") on or about May 14, 2018. (See Charge of Discrimination, attached hereto as Ex. "A"). The EEOC issued a Notice of Right to Sue on September 24, 2018. (See Right to Sue Letter, attached hereto as Ex. "B"). Plaintiff timely files this cause of action within ninety (90) days of receipt of her Notice of Right to Sue.

#### **STATEMENT OF FACTS**

7. Plaintiff Emily T. Thomas worked as the Date Clerk and Bookkeeper for Camden Elementary School in the Madison County School District until her constructive discharge on or about August 20, 2018. From approximately October 2017 until the date of her constructive termination, Plaintiff's supervising principal, Fannie Green, subjected Plaintiff on many occasions to false accusations of fraternizing with teachers and gossiping, placed Plaintiff on an 'in-house action plan' that violated school district policy, slandered her reputation, harassed her in the workplace, exhibited racial discrimination against her in both words and deed, and used her position as principal to prevent Plaintiff from seeking a transfer to another school. Other employees have also been berated and accused of various perceived shortcomings or failures by this principal as well, which constitutes bullying and racially hostile behavior.

8. The bullying and racially hostile behavior exhibited by Principal Green towards Plaintiff eventually worsened to the point that Plaintiff had no other choice but to tender her

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resignation. (See Ex. "C", Letter of Resignation). The harassment suffered by Plaintiff was so severe and pervasive that any reasonable employee in comparable circumstances would have felt compelled to resign. Plaintiff now files the instant complaint for damages.

**CAUSES OF ACTION**

**COUNT I**

**RACE DISCRIMINATION, RETALIATION AND**

**CONSTRUCTIVE DISCHARGE**

9. Plaintiff re-alleges and incorporates herein by reference the above and foregoing paragraphs 1 through 8.

10. Plaintiff was employed by the Defendant as a Data Clerk and Bookkeeper at Camden Elementary School until her constructive discharge on or about August 20, 2018. During her employment at Defendant, Plaintiff received commendations and praise for her work ability and was clearly qualified for the position as she was offered a new contract by Defendant for school year 2018-2019. However, in said capacity, since October 2017 until her constructive termination, Plaintiff was subjected to less favorable terms and conditions of employment than her similarly-situated African-American colleagues. She was further treated differently in the terms and conditions of her employment relative to similarly-situated employees who are not in a protected class in other respects as will be shown at the trial of this cause. Further, when Plaintiff opposed the racially motivated bullying of her supervisor, she was frozen out of duties, had her responsibilities severely curtailed, and was otherwise retaliated against to the extent that she was forced to resign due to the severe and pervasive harassment.

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11. By its actions, the Defendant has wrongfully discriminated against, retaliated against and constructively discharged Plaintiff. Plaintiff is entitled to an award of compensatory damages, both equitable and legal, attorneys' fees, and all other damages recoverable at law.

## **COUNT II**

### **INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

12. Plaintiff re-alleges and incorporates herein by reference the above and foregoing paragraphs 1 through 11.

13. By its actions, the Defendant has negligently and/or intentionally inflicted emotional distress upon Plaintiff. Defendant's actions have been such to evoke outrage and revulsion. Defendant's behavior has been malicious, willful, wanton, grossly careless, indifferent, and/or reckless.

14. The effect of these actions on Plaintiff was reasonably foreseeable.

15. Plaintiff has suffered injury as a result of the Defendant's actions for which Defendant is liable in damages.

### **PRAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully prays that the Court cause service to issue upon the Defendant and that this matter be set for trial. Upon trial by jury thereon, Plaintiff prays that the following relief be granted:

- a. That Plaintiff be awarded her economic damages, including back pay, lost benefits, and other pecuniary losses proximately caused by Defendant's unlawful conduct;

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- b. Compensatory damages against Defendant in an amount to be determined by the jury;
- c. All costs, disbursements, pre-judgment interest, post-judgment interest, expert witness fees and reasonable attorney's fees allowed under actions brought pursuant to Mississippi law; and
- d. Such further relief as is deemed just and proper.

THIS the 3<sup>rd</sup> day of December, 2018.

Respectfully submitted,

EMILY T. THOMAS, PLAINTIFF

By:

  
Philip C. Hearn, Esq.

Philip C. Hearn, Esq. (MSB# 9366)  
HEARN LAW FIRM, P.A.  
P. O. Box 5009  
Jackson, MS 39296-5009  
Telephone: 601.720.3541  
Facsimile: 601.969.2161  
Email: [philiphearn@yahoo.com](mailto:philiphearn@yahoo.com)

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 FEE BILL, CIVIL CASES, CIRCUIT COURT

State of Mississippi  
 Madison County

Case #	CI-2018-0263	Acct #	Paid By	CHECK 1603	Rct#	82124
-----						
		CV CLERK'S FEE		85.00		
		CV LAW LIBRARY		2.50		
		CV COURT REPORTER TAX		10.00		
		CV COURT EDUCATION		2.00		
		CV COURT ADMINISTRATOR		2.00		
		CV CIVIL LEGAL ASSISTANCE FUND		5.00		
		CV COMPREHENSIVE ELECTRONIC CT		10.00		
		CV JURY TAX		3.00		
		CV CONSTITUENTS FE		.50		
		CV RECORDS MANAGEMENT PROGRAM		1.00		
		CV-JUDICIAL SYS OPERATION FUND		40.00		
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		Total	=====	\$ 161.00		
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Payment received from HEARN LAW FIRM

Transaction 80102 Received 12/11/2018 at 8:51 Drawer 1 I.D. DENDY

Current Balance Due \$0.00 Receipt Amount \$ 161.00

By \_\_\_\_\_ D.C. ANITA WRAY, Circuit Clerk

Case #	CI-2018-0263	Acct #	Paid By	CHECK 1603	Rct#	82124
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**EXHIBIT A**

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		Agency(ies) Charge No(s): <b>423-2018-01616</b>
_____ and EEOC <i>State or local Agency, if any</i>				
Name (Indicate Mr., Ms., Mrs.) <b>Mrs. Emily T Thomas</b>		Home Phone <b>(601) 606-6174</b>		Year of Birth
Street Address <b>527 Arbor Drive, MADISON, MS 39110</b>		City, State and ZIP Code		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)				
Name <b>MADISON COUNTY SCHOOL DISTRICT</b>		No. Employees, Members		Phone No. <b>(601) 499-0800</b>
Street Address <b>476 Highland Colony Parkway, RIDGELAND, MS 39157</b>		City, State and ZIP Code		
Name		No. Employees, Members		Phone No.
Street Address		City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)				DATE(S) DISCRIMINATION TOOK PLACE Earliest: <b>05-07-2018</b> Latest: <b>05-07-2018</b> <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). <b>I am being subjected to adverse terms and conditions of continued employment. I believe I am being discriminated against because of my race (Caucasian) and in retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, since on or about October 2017 to present, my supervising principal has on numerous occasions made false accusations (of fraternizing with teachers, gossiping, and a non-existent 'in-house action plan') against me, slandered my reputation, harassed me in the workplace, exhibited racial discrimination against me in both words and deed, and used the position of principal to prevent me from seeking a transfer to another school. Other employees have been berated and accused of various perceived shortcomings or failures by this principal as well.</b>				

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
Digitally signed by Emily Thomas on 05-14-2018 06:36 PM EDT	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

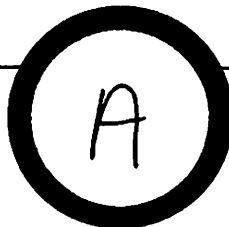


EXHIBIT A



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 EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Emily T. Thomas**  
**527 Arbor Drive**  
**Madison, MS 39110**

From: **Jackson Area Office**  
**100 West Capitol Street**  
**Suite 338**  
**Jackson, MS 39269**

☐

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

Telephone No.

EEOC Charge No.

EEOC Representative

**Mildred J. Stuckey,**  
**Enforcement Supervisor**

**(601) 948-8412**

**423-2018-01616**

### THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

### - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

Enclosures(s)

On behalf of the Commission

**Eszean S. McDuffey,**  
**Area Director**

**09/24/2018**  
 (Date Mailed)

cc:

**Shay Williamson**  
**Human Resources Director**  
**MADISON COUNTY SCHOOL DISTRICT**  
**476 Highland Colony Parkway**  
**Ridgeland, MS 39157**

B

**EXHIBIT A**

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August 20, 2018

Ms. Kimber Halliburton, Superintendent  
Madison County School District  
476 Highland Colony Parkway  
Ridgeland, MS 39157

Dear Ms. Halliburton,

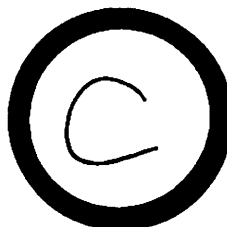
I am submitting this letter to inform you of my immediate resignation from Camden Elementary School as the Data Clerk and Bookkeeper. This resignation is a result of the school district's disregard of the unprofessional, bullying behavior of Fannie Green and the continued inaction on the part of the school district to address the hostile work environment I have been experiencing since October of 2017. Two meetings have been held in an attempt to address the situation: the Grievance Hearing at Central Office on May 8, 2018 with Charlotte Seals, Fannie Green, and myself and the EEOC Mediation Meeting at Federal Building on July 17, 2018 with my attorney, the school district's attorney, Charlotte Seals, Fannie Green, Shay Williamson, and myself, with the school district unwilling to address Fannie Green's behavior towards me.

Ms. Green's behavior towards me has included making false accusations, slander, intimidation, hostility, retribution, racial discrimination, creating a hostile work environment, and "freezing" me out of my responsibilities and job duties at Camden Elementary School. As a result, I will not be continuing to work at Camden Elementary School and it is my intention to file a lawsuit against Fannie Green and the school district.

Please accept this letter as my official notice of resignation from Madison County School District. Due to me are 10 vacation days (August 20-31), 15 sick days (September 4-24), 7 hours sick time and 1 hour of comp time (September 25), and 7 hours of personal time, and 20 minutes of comp time (September 26). Therefore, Tuesday, September 26, 2018 at 2:20 pm will be my official last day with Madison County School District.

With respect,

Emily T. Thomas  
Data Clerk/Bookkeeper  
Camden Elementary School



**EXHIBIT A**

<b>COVER SHEET</b> 18-cv-00263		Court Document # 1-4	Filed: 12/10/2018	Page 1 of 1
<b>Civil Case Filing Form</b> (To be completed by Attorney/Party Prior to Filing of Pleading)		<input checked="" type="checkbox"/> County # <input type="checkbox"/> Judicial <input type="checkbox"/> Court ID <input type="checkbox"/> District (CH, CH CO) <input type="checkbox"/> Month <input type="checkbox"/> Date <input type="checkbox"/> Year	<input checked="" type="checkbox"/> 210118 <input type="checkbox"/> 210118 <input type="checkbox"/> 210118	<input type="checkbox"/> 2103 <input type="checkbox"/> 2103 <input type="checkbox"/> 2103
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2016)		This area to be completed by clerk
In the CIRCUIT		Court of MADISON	County --	Judicial District
<b>Origin of Suit (Place an "X" in one box only)</b> <input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal				
<b>Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form</b> <b>Individual</b> <u>Thomas</u> <u>Emily</u> <div style="display: flex; justify-content: space-between;"> <span>Last Name</span> <span>First Name</span> <span>Maiden Name, if applicable</span> <span>M.I.</span> <span>Jr/Sr/III/IV</span> </div> <input type="checkbox"/> Check ( x ) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ <input type="checkbox"/> Check ( x ) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____				
<b>Business</b> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check ( x ) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____				
<b>Address of Plaintiff</b> <u>527 Arbor Drive, Madison, MS 39110</u> <b>Attorney (Name &amp; Address)</b> <u>Philip C. Hearn, PO Box 5009, Jackson, MS 39296</u> <span style="float: right;"><b>MS Bar No.</b> <u>9366</u></span> <input type="checkbox"/> Check ( x ) if Individual Filing Initial Pleading is NOT an attorney <b>Signature of Individual Filing:</b> _____				
<b>Defendant - Name of Defendant - Enter Additional Defendants on Separate Form</b> <b>Individual</b> <div style="display: flex; justify-content: space-between;"> <span>Last Name</span> <span>First Name</span> <span>Maiden Name, if applicable</span> <span>M.I.</span> <span>Jr/Sr/III/IV</span> </div> <input type="checkbox"/> Check ( x ) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ <input type="checkbox"/> Check ( x ) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____				
<b>Business</b> <u>Madison County School District</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check ( x ) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____				
<b>Attorney (Name &amp; Address) - If Known</b> _____ <span style="float: right;"><b>MS Bar No.</b> _____</span>				
<input type="checkbox"/> Check ( x ) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet				
<b>Nature of Suit (Place an "X" in one box only)</b>				
<b>Domestic Relations</b> <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____ <b>Appeals</b> <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other _____	<b>Business/Commercial</b> <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ <b>Probate</b> <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Alcohol/Drug Commitment (voluntary)	<input type="checkbox"/> Alcohol/Drug Commitment (voluntary) <input type="checkbox"/> Other _____ <b>Children/Minors - Non-Domestic</b> <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Other _____ <b>Civil Rights</b> <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input checked="" type="checkbox"/> Other <u>Discrimination</u> <b>Contract</b> <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ <b>Statutes/Rules</b> <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	<b>Real Property</b> <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ <b>Torts</b> <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____	

EXHIBIT A